

**UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

FRASERSIDE IP LLC,
An Iowa Limited Liability Company

Plaintiff,

vs.

Netvertising Ltd, d/b/a
HardXXXTube.com, Richard Szeles
and Laslo Racz, John Does 1 - 100,
and John Doe Companies 1-100,

Defendant(s).

No. 11-cv-03034 MWB

**DECLARATION OF
JASON TUCKER
RESISTANCE TO MOTION TO
DISMISS**

I, Jason Tucker, declare under penalty of perjury that:

1. I am over the age of 18 years old, make this declaration based upon personal knowledge and, if called to testify could and would testify competently to the facts set forth herein.
2. I am a consultant and the Enforcement Officer for Plaintiff Fraserside IP LLC. I am familiar with the corporate structure of Plaintiff and its parent company, sibling companies, and related entities.
3. I am familiar with the company methods, procedures, production and ownership of copyrighted materials.
4. I am responsible for the day-to-day operations at the Northwood, Iowa office of Fraserside IP LLC.
5. Fraserside IP LLC (FIP) is a member in good standing of the Northwood, Iowa Chamber of Commerce. FIP, through its Chamber membership, has agreed to be a sponsor for the 2012 4th of July Chamber activities and has committed to rebuilding the Chamber website.
6. The staff documenting Fraserside IP LLC copyright infringements work at Fraserside IP LLC offices in Northwood, Iowa. All staff had been previously unemployed.

7. I have been involved in the industry of legal adult erotic entertainment production, marketing and management at an executive level for over ten (10) years serving for over six years as President of a company that owns and licenses one of the world's largest erotic libraries of images.

8. As an Adult Industry Executive, I have been quoted or featured in publications including Newsweek, BusinessWeek, USA Today, Wired and the Washington Post and frequently am requested to speak on panels and seminars at industry events on various industry related topics.

9. I am familiar with the term "white label" as applied to websites. A "white label" is set up by the originating website, in conjunction with an affiliated website, to look, feel and appear to be part of the original site without the expense of creating an entirely new site. A "white label" website exists only at the direction of the originating website and for the direct financial benefit of the originating website.

10. I am familiar with the operations of Adult Friend Finder, aka Various and part of the company commonly known as Penthouse, a United States publicly traded entity. The website hardsextube.getiton.com appears to be a white label of an Adult Friend Finder domain.

11. I have reviewed the evidence of Infringements committed by Defendants which are outlined in the Complaint as well as all of the evidence obtained by Plaintiff.

12. I can attest to all of the claims made in Plaintiff's complaint.

13. I am personally aware of the methods utilized by Plaintiff and can attest to the facts and that Plaintiff works require and/or have required great sums of money to create detailed story lines; film in exotic locations; construct detailed and intricate sets; employ very talented writers, directors, actors, and editors; use the highest quality production equipment; and far exceed the production value of typical adult erotic entertainment.

14. I found copyrighted videos belonging to Fraserside IP LLC on Defendants' websites. I was able to click through a page where an infringing video was being displayed and join the premium website.

15. Based upon my experience and judgment, I am certain that Defendant and Defendant websites earned both membership and advertising revenue utilizing Fraserside IP LLC and other unauthorized copyrighted works without compensation to the rightful copyright owners.

16. Based upon my experience and judgment, I am certain that Defendant reproduced, reformatted, and distributed unauthorized copyrighted material on its website and had not adopted any generally accepted procedures to effectively limit copyright infringement at the time infringements occurred.

17. Based upon my experience and judgment, I am certain that Defendant's website contained large amounts of unauthorized, copyrighted materials.

18. Upon review of the websites, documentation, and information publically available, in my judgment, Defendants Richard Szeles and Laslo Racz are the owners or, at minimum, major stakeholders in the websites HardSexTube and HardXXXTube.

19. Upon review of the websites and documentation, it appears to me that a user on HardXXXTube that wishes to join a premium membership will go through a sequence of forms. The sending website will receive a monetary payment for each surfer that joins the site, even surfers that do not initially sign up as paying members.

20. Upon review of the websites and documentation, it appears payments from GetItOn originate from AdultFriendFinder, a U.S. company.

21. Upon review of the websites and documentation, it appears users that join HardSexTube.GetitOn.com from HardXXXTube result in a referral fee which directly benefits HardXXXTube.

Signed this 26th day of April, 2012



Jason Tucker